

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Communications Assistance for
Law Enforcement Act

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CC Docket No. 97-213

REPLY COMMENTS
OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The National Telephone Cooperative Association (NTCA) respectfully submits its reply comments in the above-referenced proceeding. NTCA is a national association of approximately 500 local exchange carriers (LECs). These LECs provide telecommunications services to end users and interexchange carriers throughout rural America. All of NTCA's member companies are subject to the requirements of the Communications Assistance for Law Enforcement Act (CALEA).

NTCA has been actively involved in CALEA's implementation. NTCA submitted its viewpoints to the Telecommunications Industry liaison Unit of the Federal Bureau of Investigation. It also submitted comments and reply comments on behalf of its members in response to the Commission's Notice of Proposed Rulemaking in CC Docket No. 97-213, and most recently, submitted comments supporting requests that the date for complying with the CALEA requirements be extended to the year 2000.

National Telephone Cooperative Association
June 12, 1998

CC Docket No. 97-213
DA 98-762

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NTCA supports those commenters who argue for the Commission to resolve the dispute over the interim industry standard expeditiously. Affected carriers are held in limbo as the various groups argue over an acceptable standard. The date for compliance with CALEA stands at October, 1998, despite the fact that all in the industry agree that it will be impossible for the necessary software to be developed and implemented in time. Given this, the Commission should immediately grant at least a two year extension of the compliance date and resolve the outstanding petitions so that there may be certainty in the industry.

In deciding the Petitions, NTCA respectfully submits that the FCC should reaffirm that the CALEA standard which is adopted is one way, but not the only way, for carriers to comply with section 103.

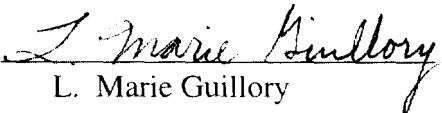
Section 107 provides carriers with a safe harbor against liability. Section 107(a)(2) states that a carrier is in compliance with section 103 if it complies with a standard adopted by an industry association or standard setting organization. Nowhere does CALEA mandate compliance with a Commission standard. Rather, carriers are "safe" if they comply. Compliance with the safe harbor standard is one way, but not the only way, of complying with section 103. If the carrier decides to comply with section 103 in different manner, it simply bears the risk that it will be subject to an enforcement action in which a court might find the carrier not to be in compliance. A carrier should be permitted this flexibility at its own risk.

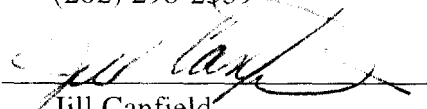
The FCC should resolve the outstanding petitions and adopt an industry standard, but should ensure that such a standard is not mandatory. In this way, the FCC provides for certainty

in the industry while at the same time providing carriers the flexibility to determine the best way for each to comply with the CALEA requirements.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Gail C. Malloy, certify that a copy of the foregoing Reply Comments of the National Telephone Cooperative Association, CC Docket No. 97-213 was served on this 12th day of June 1998, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:


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